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EXAMINER
ALIA, CURTIS A

ART UNIT	PAPER NUMBER
2416	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPOPS.LEGAL@agilent.com

	Application No.	Applicant(s)
Office Action Summary	10/791,117	WARD, ROBERT GEOFFREY
	Examiner	Art Unit	
	Curtis A. Alia	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 December 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed on 22 September 2008 has been entered. Claims 2, 8, 10, 11

and 17-24 have been amended. Claims 1-24 are still pending in this application, with claims 1, 9

and 17 being independent.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-24 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   Claims 1-2, 9-10, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Bernstein et al. (previously cited US 5,999,529) in view of Lee (newly cited US

2003/0088685) and VanDervort (previously cited US 5,761,191).

        Regarding claim 1, Bernstein discloses an asynchronous transfer mode system

comprising a circular buffer for storing ATM data, the ATM data comprising information

divided into ATM cells (see column 3, lines 66-67, FIFO buffer receives ATM cells from the

ATM network), the ATM cells comprising at least one of virtual path identifier (VPI)

information, virtual channel identifier (VCI) and channel identifier (CID) information (see

column 3, lines 33-37, the header of the ATM cell includes VPI and VCI information) and a

plurality of parallel processing elements (see column 4, lines 2-5, parallel processing modules) configured to analyze the ATM cells and determine a cell type (see column 2, lines 61-66, VoA processing modules at least one type of VoA adaptation layer type, column 4, lines 40-44, the circuitry determines how to assemble the cells appropriately according to the adaptation layer the cells are formatted to, thus being able to determine the type of adaptation layer the cells are using).

Bernstein does not explicitly teach that the ATM adaptation layer 2 cells and AAL 5 cells are reassembled in real time.

However, the above-mentioned claimed limitation is well known in the art, as evidenced by Lee. In particular, Lee teaches that the ATM adaptation layer 2 cells and AAL 5 cells are reassembled in real time (see abstract and paragraph 21, AAL2 and AAL5 traffic are processed in such a way as to maintain the quality of service required by voice data, that data being real-time data, thus having to process the AAL2 and AAL5 cells in real-time to maintain that quality of service).

In view of the above, having the system of Bernstein, then given the well-established teaching of Lee, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Bernstein as taught by Lee, since Lee stated in paragraph 16 that maintaining distinction between real-time data and non-real-time data will increase QoS performance and link failure can be actively dealt with.

Bernstein and Lee do not explicitly teach a content addressable memory configured to receive any one of the VPI, VCI and CID information related to each ATM cell and configured

to provide an index when particular VPI, VCI and CID information is identified, the index
placed in the circular buffer and used to determine an AAL mode for each ATM cell.

However, the above-mentioned claimed limitation is well known in the art, as evidenced
by VanDervort. In particular, VanDervort teaches a content addressable memory configured to
receive any one of the VPI, VCI and CID information related to each ATM cell and configured
to provide an index when particular VPI, VCI and CID information is identified, the index
placed in the circular buffer and used to determine an AAL mode for each ATM cell (see column
13, lines 50-63 and column 14, lines 23-30, CAM holds ATM cell data and is indexed, and CAM
also keeps track of information regarding cells such as AAL mode).

In view of the above, having the system of Bernstein and Lee, then given the well-
established teaching of VanDervort, it would have been obvious to a person having ordinary skill
in the art at the time of the invention to modify the system of Bernstein and Lee as taught by
VanDervort, since VanDervort stated in column 6, lines 25-37 that measuring and collecting
aggregate network utilization data is used to determine ways of improving the performance of
the high speed ATM networks.

Regarding claim 2, Bernstein discloses that the circular buffer communicates with the
plurality of parallel processing elements simultaneously (see column 4, lines 2-5, buffering
allows multiple processing modules to be used in parallel to yield a higher throughput and high
degree of scalability).

Regarding claim 9, Bernstein discloses a method for an ATM system comprising

providing ATM data to a circular buffer, the data comprising information divided into ATM cells

(see column 3, lines 66-67, FIFO buffer receives ATM cells from the ATM network), the ATM

cells comprising at least one of virtual path identifier (VPI) information, virtual channel

identifier (VCI) and channel identifier (CID) information (see column 3, lines 33-37, the header

of the ATM cell includes VPI and VCI information), storing the ATM data in the circular buffer

(see column 3, lines 66-67), analyzing the ATM cells to determine a cell type (see column 2,

lines 61-66, VoA processing modules at least one type of VoA adaptation layer type, column 4,

lines 40-44, the circuitry determines how to assemble the cells appropriately according to the

adaptation layer the cells are formatted to, thus being able to determine the type of adaptation

layer the cells are using).

Bernstein does not explicitly teach that the AAL 2 cells and AAL 5 cells are reassembled

in real time.

However, the above-mentioned claimed limitation is well known in the art, as evidenced

by Lee. In particular, Lee teaches that the ATM adaptation layer 2 cells and AAL 5 cells are

reassembled in real time (see abstract and paragraph 21, AAL2 and AAL5 traffic are processed

in such a way as to maintain the quality of service required by voice data, that data being real-

time data, thus having to process the AAL2 and AAL5 cells in real-time to maintain that quality

of service).

In view of the above, having the method of Bernstein, then given the well-established

teaching of Lee, it would have been obvious to a person having ordinary skill in the art at the

time of the invention to modify the method of Bernstein as taught by Lee, since Lee stated in

paragraph 16 that maintaining distinction between real-time data and non-real-time data will increase QoS performance and link failure can be actively dealt with.

Bernstein and Lee do not explicitly teach receiving in a content addressable memory any one of the VPI, VCI and CID related to each ATM cell or providing an index when particular VPI, VCI and CID information is identified, the index placed in the circular buffer and used to determine an AAL mode of each ATM cell.

However, the above-mentioned claimed limitation is well known in the art, as evidenced by VanDervort. In particular, VanDervort teaches receiving in a content addressable memory any one of the VPI, VCI and CID related to each ATM cell and providing an index when particular VPI, VCI and CID information is identified, the index placed in the circular buffer and used to determine an AAL mode of each ATM cell (see column 13, lines 50-63 and column 14, lines 23-30, CAM holds ATM cell data and is indexed, and CAM also keeps track of information regarding cells such as AAL mode).

In view of the above, having the method of Bernstein and Lee, then given the well-established teaching of VanDervort, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the method of Bernstein and Lee as taught by VanDervort, since VanDervort stated in column 6, lines 25-37 that measuring and collecting aggregate network utilization data is used to determine ways of improving the performance of the high speed ATM networks.

Regarding claim 10, Bernstein teaches simultaneously communicating between the circular buffer and the plurality of parallel processing elements (see column 4, lines 2-5,

buffering allows multiple processing modules to be used in parallel to yield a higher throughput

and high degree of scalability).

        Regarding claim 17, Bernstein discloses a computer readable medium having a program

stored thereon for reassembling ATM data in real-time comprising logic for providing ATM data

to a circular buffer, the data comprising information divided into ATM cells (see column 3, lines

66-67, FIFO buffer receives ATM cells from the ATM network), the ATM cells comprising at

least one of virtual path identifier (VPI) information, virtual channel identifier (VCI) and channel

identifier (CID) information (see column 3, lines 33-37, the header of the ATM cell includes VPI

and VCI information), logic for storing the ATM data in the circular buffer (see column 3, lines

66-67), logic for analyzing the ATM cells to determine a cell type (see column 2, lines 61-66,

VoA processing modules at least one type of VoA adaptation layer type, column 4, lines 40-44,

the circuitry determines how to assemble the cells appropriately according to the adaptation layer

the cells are formatted to, thus being able to determine the type of adaptation layer the cells are

using).

        Bernstein does not explicitly teach that the AAL 2 cells and AAL 5 cells are reassembled

in real time.

        However, the above-mentioned claimed limitation is well known in the art, as evidenced

by Lee. In particular, Lee teaches that the ATM adaptation layer 2 cells and AAL 5 cells are

reassembled in real time (see abstract and paragraph 21, AAL2 and AAL5 traffic are processed

in such a way as to maintain the quality of service required by voice data, that data being real-

time data, thus having to process the AAL2 and AAL5 cells in real-time to maintain that quality of service).

In view of the above, having the computer readable medium of Bernstein, then given the well-established teaching of Lee, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the computer readable medium of Bernstein as taught by Lee, since Lee stated in paragraph 16 that maintaining distinction between real-time data and non-real-time data will increase QoS performance and link failure can be actively dealt with.

Bernstein and Lee do not explicitly teach logic for receiving in a content addressable memory any one of the VPI, VCI and CID related to each ATM cell or logic for providing an index when particular VPI, VCI and CID information is identified, the index placed in the circular buffer and used to determine an AAL mode of each ATM cell.

However, the above-mentioned claimed limitation is well known in the art, as evidenced by VanDervort. In particular, VanDervort teaches logic for receiving in a content addressable memory any one of the VPI, VCI and CID related to each ATM cell and logic for providing an index when particular VPI, VCI and CID information is identified, the index placed in the circular buffer and used to determine an AAL mode of each ATM cell (see column 13, lines 50-63 and column 14, lines 23-30, CAM holds ATM cell data and is indexed, and CAM also keeps track of information regarding cells such as AAL mode).

In view of the above, having the computer readable medium of Bernstein and Lee, then given the well-established teaching of VanDervort, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the computer readable

medium of Bernstein and Lee as taught by VanDervort, since VanDervort stated in column 6,

lines 25-37 that measuring and collecting aggregate network utilization data is used to determine

ways of improving the performance of the high speed ATM networks.

Regarding claim 18, Bernstein discloses logic for simultaneously communicating

between the circular buffer and the plurality of parallel processing elements (see column 4, lines

2-5, buffering allows multiple processing modules to be used in parallel to yield a higher

throughput and high degree of scalability).

4.   Claims 3-8, 11-16, and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Bernstein in view of Lee and VanDervort as applied to claims 2, 10 and 18 above, and

further in view of Suzuki et al. (previously cited US 6,687,250).

Regarding claim 3, Bernstein, Lee and VanDervort do not explicitly teach a

fragmentation table configured to receive and store data fragments associated with an ATM cell.

However, the above-mentioned claimed limitation is well known in the art, as evidenced

by Suzuki. In particular, Suzuki teaches a fragmentation table configured to receive and store

data fragments associated with an ATM cell (see column 1, lines 48-58, receiving and

reassembling ATM cells and storing the reassembled frames).

In view of the above, having the system of Bernstein, Lee and VanDervort, then given the

well-established teaching of Suzuki, it would have been obvious to a person having ordinary skill

in the art at the time of the invention to modify the system of Bernstein, Lee and VanDervort as

taught by Suzuki, since Suzuki stated in column 1, lines 38-44 that the priority in the upper

layers can be reflected in the SAR processing of the ATM cells.

      Regarding claim 4, Bernstein, Lee and VanDervort do not explicitly teach a buffer

manager configured to accumulate the data fragments and assemble the data fragments into a

frame.

      However, the above-mentioned claimed limitation is well known in the art, as evidenced

by Suzuki. In particular, Suzuki teaches a buffer manager configured to accumulate the data

fragments and assemble the data fragments into a frame (see column 1, lines 45-58, the ATM

cells are received and reassembled into frames).

      In view of the above, having the system of Bernstein, Lee and VanDervort, then given the

well-established teaching of Suzuki, it would have been obvious to a person having ordinary skill

in the art at the time of the invention to modify the system of Bernstein, Lee and VanDervort as

taught by Suzuki, since Suzuki stated in column 1, lines 38-44 that the priority in the upper

layers can be reflected in the SAR processing of the ATM cells.

      Regarding claims 5, Bernstein and Lee do not explicitly teach a statistics memory

configured to store statistics associated with the cells.

      However, the above-mentioned claimed limitation is well known in the art, as evidenced

by VanDervort. In particular, VanDervort teaches a statistics memory configured to store

statistics associated with the cells (see column 13, lines 40-51, test processor includes means for

recording occurrences of certain conditions/errors, column 15, lines 16-19, tracking utilization

of the network as statistics).

In view of the above, having the system of Bernstein and Lee, then given the well-

established teaching of VanDervort, it would have been obvious to a person having ordinary skill

in the art at the time of the invention to modify the system of Bernstein and Lee as taught by

VanDervort, since VanDervort stated in column 6, lines 25-37 that measuring and collecting

aggregate network utilization data is used to determine ways of improving the performance of

the high speed ATM networks.

Regarding claim 6, Bernstein and Lee do not explicitly teach that the statistics are chosen

from an idle cell, an unassigned cell, an operation and maintenance cell, an AAL2 cell, an AAL5

cell, a header error correction error cell, a frame count, a byte count, congestion information,

AAL5 CRC error count, and resource management cell count.

However, the above-mentioned claimed limitation is well known in the art, as evidenced

by VanDervort. In particular, VanDervort teaches that the statistics are chosen from an idle cell,

an unassigned cell, an operation and maintenance cell, an AAL2 cell, an AAL5 cell, a header

error correction error cell, a frame count, a byte count, congestion information, AAL5 CRC error

count, and resource management cell count (see column 16, Table 1 shows many of the statistics

gathered, including two CLP bits (indicating whether the cell is an idle cell or an unassigned cell

if a VCI/VIP is a null value), a plurality of OAM cell statistics, AAL3/4 (replaceable by AAL2

statistics for AAL2 SARs) and AAL5 statistics, HEC error statistics, congestion information,

AAL3/4 CRC error counts (capable of collecting AAL5 CRC error counts instead), and RM cell information.).

In view of the above, having the system of Bernstein and Lee, then given the well-established teaching of VanDervort, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Bernstein and Lee as taught by VanDervort, since VanDervort stated in column 6, lines 25-37 that measuring and collecting aggregate network utilization data is used to determine ways of improving the performance of the high speed ATM networks.

Regarding claim 7, Bernstein and Lee do not explicitly teach that the statistics are gathered for each unique VPI/VCI cell stream.

However, the above-mentioned claimed limitation is well known in the art, as evidenced by VanDervort. In particular, VanDervort teaches that the statistics are gathered for each unique VPI/VCI cell stream (see column 15, lines 16-19, statistics are gathered to track network utilization with respect to each virtual connection being monitored).

In view of the above, having the system of Bernstein and Lee, then given the well-established teaching of VanDervort, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Bernstein and Lee as taught by VanDervort, since VanDervort stated in column 6, lines 25-37 that measuring and collecting aggregate network utilization data is used to determine ways of improving the performance of the high speed ATM networks.

Regarding claim 8, Bernstein and Lee do not explicitly teach that the statistics are
periodically provided to a processor for display.

However, the above-mentioned claimed limitation is well known in the art, as evidenced
by VanDervort. In particular, VanDervort teaches that the statistics are periodically provided to
a processor for display (see column 15, lines 35-46, the statistics are passed to the host processor
at regular time intervals, where which the results can be sent to the user via a user interface (any
type of display means)).

In view of the above, having the system of Bernstein and Lee, then given the well-
established teaching of VanDervort, it would have been obvious to a person having ordinary skill
in the art at the time of the invention to modify the system of Bernstein and Lee as taught by
VanDervort, since VanDervort stated in column 6, lines 25-37 that measuring and collecting
aggregate network utilization data is used to determine ways of improving the performance of
the high speed ATM networks.

Regarding claim 11, Bernstein, Lee and VanDervort do not explicitly teach receiving and
storing data fragments associated with an ATM cell in a fragmentation table.

However, the above-mentioned claimed limitation is well known in the art, as evidenced
by Suzuki. In particular, Suzuki teaches receiving and storing data fragments associated with an
ATM cell in a fragmentation table (see column 1, lines 48-58, receiving and reassembling ATM
cells and storing the reassembled frames).

In view of the above, having the method of Bernstein, Lee and VanDervort, then given
the well-established teaching of Suzuki, it would have been obvious to a person having ordinary

skill in the art at the time of the invention to modify the method of Bernstein, Lee and VanDervort as taught by Suzuki, since Suzuki stated in column 1, lines 38-44 that the priority in the upper layers can be reflected in the SAR processing of the ATM cells.

Regarding claim 12, Bernstein, Lee and VanDervort do not explicitly teach accumulating the data fragments in a buffer manager and assembling the data fragments into a frame.

However, the above-mentioned claimed limitation is well known in the art, as evidenced by Suzuki. In particular, Suzuki teaches accumulating the data fragments in a buffer manager and assembling the data fragments into a frame (see column 1, lines 45-58, the ATM cells are received and reassembled into frames).

In view of the above, having the method of Bernstein, Lee and VanDervort, then given the well-established teaching of Suzuki, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the method of Bernstein, Lee and VanDervort as taught by Suzuki, since Suzuki stated in column 1, lines 38-44 that the priority in the upper layers can be reflected in the SAR processing of the ATM cells.

Regarding claim 13, Bernstein and Lee do not explicitly teach storing statistics associated with the cells in a statistics memory.

However, the above-mentioned claimed limitation is well known in the art, as evidenced by VanDervort. In particular, VanDervort teaches storing statistics associated with the cells in a statistics memory (see column 13, lines 40-51, test processor includes means for recording

occurrences of certain conditions/errors, column 15, lines 16-19, tracking utilization of the

network as statistics).

In view of the above, having the system of Bernstein and Lee, then given the well-

established teaching of VanDervort, it would have been obvious to a person having ordinary skill

in the art at the time of the invention to modify the system of Bernstein and Lee as taught by

VanDervort, since VanDervort stated in column 6, lines 25-37 that measuring and collecting

aggregate network utilization data is used to determine ways of improving the performance of

the high speed ATM networks.

Regarding claim 14, Bernstein and Lee do not explicitly teach that the statistics are

chosen from an idle cell, an unassigned cell, an operation and maintenance cell, an AAL2 cell, an

AAL5 cell, a header error correction error cell, a frame count, a byte count, congestion

information, AAL5 CRC error count, and resource management cell count.

However, the above-mentioned claimed limitation is well known in the art, as evidenced

by VanDervort. In particular, VanDervort teaches that the statistics are chosen from an idle cell,

an unassigned cell, an operation and maintenance cell, an AAL2 cell, an AAL5 cell, a header

error correction error cell, a frame count, a byte count, congestion information, AAL5 CRC error

count, and resource management cell count (see column 16, Table 1 shows many of the statistics

gathered, including two CLP bits (indicating whether the cell is an idle cell or an unassigned cell

if a VCI/VIP is a null value), a plurality of OAM cell statistics, AAL3/4 (replaceable by AAL2

statistics for AAL2 SARs) and AAL5 statistics, HEC error statistics, congestion information,

AAL3/4 CRC error counts (capable of collecting AAL5 CRC error counts instead), and RM cell information.).

In view of the above, having the system of Bernstein and Lee, then given the well-established teaching of VanDervort, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Bernstein and Lee as taught by VanDervort, since VanDervort stated in column 6, lines 25-37 that measuring and collecting aggregate network utilization data is used to determine ways of improving the performance of the high speed ATM networks.

Regarding claim 15, Bernstein and Lee do not explicitly teach that the statistics are gathered for each unique VPI/VCI cell stream.

However, the above-mentioned claimed limitation is well known in the art, as evidenced by VanDervort. In particular, VanDervort teaches that the statistics are gathered for each unique VPI/VCI cell stream (see column 15, lines 16-19, statistics are gathered to track network utilization with respect to each virtual connection being monitored).

In view of the above, having the system of Bernstein and Lee, then given the well-established teaching of VanDervort, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Bernstein and Lee as taught by VanDervort, since VanDervort stated in column 6, lines 25-37 that measuring and collecting aggregate network utilization data is used to determine ways of improving the performance of the high speed ATM networks.

Regarding claim 16, Bernstein and Lee do not explicitly teach that the statistics are periodically provided to a processor for display.

However, the above-mentioned claimed limitation is well known in the art, as evidenced by VanDervort. In particular, VanDervort teaches that the statistics are periodically provided to a processor for display (see column 15, lines 35-46, the statistics are passed to the host processor at regular time intervals, where which the results can be sent to the user via a user interface (any type of display means)).

In view of the above, having the system of Bernstein and Lee, then given the well-established teaching of VanDervort, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Bernstein and Lee as taught by VanDervort, since VanDervort stated in column 6, lines 25-37 that measuring and collecting aggregate network utilization data is used to determine ways of improving the performance of the high speed ATM networks.

Regarding claim 19, Bernstein, Lee and VanDervort do not explicitly teach logic for receiving and storing data fragments associated with an ATM cell in a fragmentation table.

However, the above-mentioned claimed limitation is well known in the art, as evidenced by Suzuki. In particular, Suzuki teaches logic for receiving and storing data fragments associated with an ATM cell in a fragmentation table (see column 1, lines 48-58, receiving and reassembling ATM cells and storing the reassembled frames).

In view of the above, having the computer readable medium of Bernstein, Lee and VanDervort, then given the well-established teaching of Suzuki, it would have been obvious to a

person having ordinary skill in the art at the time of the invention to modify the computer

readable medium of Bernstein, Lee and VanDervort as taught by Suzuki, since Suzuki stated in

column 1, lines 38-44 that the priority in the upper layers can be reflected in the SAR processing

of the ATM cells.

      Regarding claim 20, Bernstein, Lee and VanDervort do not explicitly teach logic for

accumulating the data fragments in a buffer manager, and logic for assembling the data

fragments into a frame.

      However, the above-mentioned claimed limitation is well known in the art, as evidenced

by Suzuki. In particular, Suzuki teaches logic for accumulating the data fragments in a buffer

manager, and logic for assembling the data fragments into a frame (see column 1, lines 45-58,

the ATM cells are received and reassembled into frames).

      In view of the above, having the computer readable medium of Bernstein, Lee and

VanDervort, then given the well-established teaching of Suzuki, it would have been obvious to a

person having ordinary skill in the art at the time of the invention to modify the computer

readable medium of Bernstein, Lee and VanDervort as taught by Suzuki, since Suzuki stated in

column 1, lines 38-44 that the priority in the upper layers can be reflected in the SAR processing

of the ATM cells.

      Regarding claim 21, Bernstein and Lee do not explicitly teach storing statistics associated

with the cells in a statistics memory.

However, the above-mentioned claimed limitation is well known in the art, as evidenced by VanDervort. In particular, VanDervort teaches storing statistics associated with the cells in a statistics memory (see column 13, lines 40-51, test processor includes means for recording occurrences of certain conditions/errors, column 15, lines 16-19, tracking utilization of the network as statistics).

In view of the above, having the system of Bernstein and Lee, then given the well-established teaching of VanDervort, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Bernstein and Lee as taught by VanDervort, since VanDervort stated in column 6, lines 25-37 that measuring and collecting aggregate network utilization data is used to determine ways of improving the performance of the high speed ATM networks.

Regarding claim 22, Bernstein and Lee do not explicitly teach that the statistics are chosen from an idle cell, an unassigned cell, an operation and maintenance cell, an AAL2 cell, an AAL5 cell, a header error correction error cell, a frame count, a byte count, congestion information, AAL5 CRC error count, and resource management cell count.

However, the above-mentioned claimed limitation is well known in the art, as evidenced by VanDervort. In particular, VanDervort teaches that the statistics are chosen from an idle cell, an unassigned cell, an operation and maintenance cell, an AAL2 cell, an AAL5 cell, a header error correction error cell, a frame count, a byte count, congestion information, AAL5 CRC error count, and resource management cell count (see column 16, Table 1 shows many of the statistics gathered, including two CLP bits (indicating whether the cell is an idle cell or an unassigned cell

if a VCI/VIP is a null value), a plurality of OAM cell statistics, AAL3/4 (replaceable by AAL2

statistics for AAL2 SARs) and AAL5 statistics, HEC error statistics, congestion information,

AAL3/4 CRC error counts (capable of collecting AAL5 CRC error counts instead), and RM cell

information.).

        In view of the above, having the system of Bernstein and Lee, then given the well-

established teaching of VanDervort, it would have been obvious to a person having ordinary skill

in the art at the time of the invention to modify the system of Bernstein and Lee as taught by

VanDervort, since VanDervort stated in column 6, lines 25-37 that measuring and collecting

aggregate network utilization data is used to determine ways of improving the performance of

the high speed ATM networks.

        Regarding claim 23, Bernstein and Lee do not explicitly teach that the statistics are

gathered for each unique VPI/VCI cell stream.

        However, the above-mentioned claimed limitation is well known in the art, as evidenced

by VanDervort. In particular, VanDervort teaches that the statistics are gathered for each unique

VPI/VCI cell stream (see column 15, lines 16-19, statistics are gathered to track network

utilization with respect to each virtual connection being monitored)

        In view of the above, having the system of Bernstein and Lee, then given the well-

established teaching of VanDervort, it would have been obvious to a person having ordinary skill

in the art at the time of the invention to modify the system of Bernstein and Lee as taught by

VanDervort, since VanDervort stated in column 6, lines 25-37 that measuring and collecting

aggregate network utilization data is used to determine ways of improving the performance of
the high speed ATM networks.

Regarding claim 24, Bernstein and Lee do not explicitly teach that the statistics are
periodically provided to a processor for display.

However, the above-mentioned claimed limitation is well known in the art, as evidenced
by VanDervort. In particular, VanDervort teaches hat the statistics are periodically provided to a
processor for display (see column 15, lines 35-46, the statistics are passed to the host processor at
regular time intervals, where which the results can be sent to the user via a user interface (any
type of display means)).

In view of the above, having the system of Bernstein and Lee, then given the well-
established teaching of VanDervort, it would have been obvious to a person having ordinary skill
in the art at the time of the invention to modify the system of Bernstein and Lee as taught by
VanDervort, since VanDervort stated in column 6, lines 25-37 that measuring and collecting
aggregate network utilization data is used to determine ways of improving the performance of
the high speed ATM networks.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this
Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Curtis A. Alia whose telephone number is (571) 270-3116. The

examiner can normally be reached on Monday through Friday, 9am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Aung S. Moe can be reached on (571) 272-7314. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/   /Curtis A Alia/
Supervisory Patent Examiner, Art Unit 2416   Examiner, Art Unit 2416
                                                      12/16/2008

CAA